

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ANN MARIE CONNOR

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. 05-370-GMS

UNITED STATES' MOTION FOR EXTENSION OF TIME

The United States, through the undersigned counsel, moves the Court for an extension of time in which to respond to the complaint, and in support thereof avers as follows:

1. This matter was initiated by the filing of a Request for Declaratory Judgment ("the Complaint") by the plaintiff, on or about June 7, 2005. D.I. - 1. No summons was issued at that time.
2. The Complaint was served, without summons, on the office of the United States Attorney on the following day, June 8.
3. The undersigned contacted the plaintiff by letter dated June 20, 2005, and advised of appropriate procedures to effect service upon the United States and its agencies pursuant to Rule 4 of the Federal Rules of Civil Procedure.
4. Subsequently, on July 15, 2005, the plaintiff filed another Request for Declaratory Judgment, which was docketed as an Amended Complaint. D.I. - 7. The Certificate of Mailing attached to that document alleges service on the office of the United States Attorney, at the wrong address, by certified mail on July 8, 2005, but the office of the undersigned has no record of receiving the document.

5. Also on July 15, summons was issued as to the Commissioner of Internal Revenue ("CIR") and the Internal Revenue Service ("IRS"). To date, the undersigned has seen no evidence that service was ever perfected upon either the CIR or the IRS.

6. In addition, there is no evidence that service has ever been perfected upon the Attorney General of the United States.

7. If service of the Complaint without summons upon this office on June 7 were considered effective, which the United States does not concede, a responsive pleading would be due on or before Monday, August 8, 2005. In an abundance of caution, therefore, the United States now seeks a court order to the effect that its responsive pleading may be filed on or before September 13, 2005. That date is 60 days following the filing of the Amended Complaint and issuance of summons to the CIR and IRS.

WHEREFORE the United States moves the Court for an order extending the date for the filing of a pleading responsive to the Amended Complaint to and including September 13, 2005.

COLM F. CONNOLLY
United States Attorney

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Dated: **August 4, 2005**

IT IS SO ORDERED, this _____ day of _____, 2005

HONORABLE GREGORY M. SLEET
United States District Judge

CERTIFICATE OF SERVICE

I, Patricia C. Hannigan, hereby certify that on **August 4, 2005**, I electronically filed the foregoing **UNITED STATES' MOTION FOR EXTENSION OF TIME** with the Clerk of Court using CM/ECF. Notification of such filing will be sent via United States Mail, First Class, to the following:

Anne Marie Connor
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Bethany Beach, DE 19930
Pro Se

COLM F. CONNOLLY
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